

**MEMO ENDORSED**

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July 9, 2008

Our ref: 604-07/GMV/PLS

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**BY HAND & FAX 212-805-6390 (per Justin)**

The Honorable William H. Pauley, III  
United States Courthouse  
40 Centre Street  
Room 234  
New York, New York 10007-1581

RE: Sierra Marine S.A. v. Barisse S.A.  
07 CV 11424 (WHP)

Dear Judge Pauley:

We represent Plaintiff Sierra Marine S.A. in the captioned matter and write to request rescheduling of one to two weeks of the conference currently scheduled for July 11, 2008, at 10:45 A.M. At the outset, we apologize to the Court for missing the conference on June 27. This was a scheduling error on my part. Although the Court has indicated its unwillingness to grant any further adjournments, we request a rescheduling of the conference July 11 on the basis that our client will not be available or able to offer further information regarding this case until next week. As such, we believe the conference would be of more benefit to the Court upon our client's return.

This matter involves a claim by Plaintiff against Defendant Barisse S.A. for breach of a maritime contract of charter party. The disputes were submitted to arbitration in London, and an award was entered in favor of Plaintiff. The award remains unpaid, and accordingly Plaintiff requested an attachment pursuant to Rule B of the Federal Rules of Civil Procedure. The Court granted the attachment on December 20, 2007. The amount sought in the attachment was \$52,681.51, of which only \$1,500 has been restrained. Barisse has been given notice of the attachment, and its representatives have

*Application granted.*  
**SO ORDERED:**

*William H. Pauley*  
WILLIAM H. PAULEY III U.S.D.J.

7/11/08

*The conference is adjourned to August 8, 2008 at 11:30 a.m.*

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acknowledged the notice, but we have not hit any further restraints. Our client is making efforts to determine whether Barisse is still trading and/or may be using another entity to make transfers. However, as noted above, our client (who is overseas) is on summer holiday until next week. As such, we have not been able to obtain further information in anticipation of the conference and believe that the conference may be more beneficial to the Court once we have heard from the client in this regard.

Further, to our knowledge, Barisse is not represented by counsel in New York and we do not anticipate it will have a representative in attendance at the conference. Finally, the undersigned will be unable to attend the conference on July 11. Should the conference go forward on July 11, we anticipate that Daniel Fitzgerald will be in attendance on behalf of Plaintiff, and we apologize for any inconvenience caused to the Court.

For the foregoing reasons, we respectfully request that the initial conference be adjourned for approximately one to two weeks. For the Court's guidance, this is our third request for relief, the first and second having been made in February and April 2008.

We thank the Court for its consideration of this request.

Respectfully submitted,  
FREEHILL HOGAN & MAHAR, LLP



Pamela L. Schultz

PLS:lu